

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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*IN RE* TERRORIST ATTACKS ON SEPTEMBER 11, 2001

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)  
) No. 03 MDL 1570 (GBD/FM)  
) ECF Case  
)

This document relates to:

ESTATE OF O'NEILL, *et al.* v. AL BARAKA INVESTMENT AND DEVELOPMENT CORP., *et al.*,  
Case No. 04-CV-1923

**DEFENDANT AL HARAMAIN ISLAMIC FOUNDATION, INC. (USA)  
ANSWER TO FIRST CONSOLIDATED COMPLAINT**

Defendant Al Haramain Islamic Foundation, Inc. (USA) ("AHIF-USA"), through undersigned counsel, and pursuant to Rule 12, Fed. R. Civ. P., hereby submits its Answer to Plaintiffs' First Consolidated Complaint ("Complaint").

**Background**

1. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.
2. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.
3. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.
4. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.
5. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.
6. AHIF-USA does not possess sufficient knowledge or information to admit or

deny the allegations contained in this paragraph.

7. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

8. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

9. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

10. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

11. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

#### **Jurisdiction and Venue**

12. AHIF-USA denies that this court has subject matter jurisdiction over AHIF-USA under 28 U.S.C. §§ 1331 and 1350 (Alien Tort Claims Act), and 18 U.S.C. § 2338 (Anti-Terrorism Act). AHIF-USA denies that jurisdiction over plaintiffs' claims against AHIF-USA is proper under 28 U.S.C. §§ 1330(a), 1332(a)(2), and 1605, because those provisions apply solely to actions against foreign states.

13. AHIF-USA denies that venue is proper under 28 U.S.C. § 1391(b)(2). AHIF-USA denies that venue is proper under 28 U.S.C. §§ 1391(d), 1391(f)(1), and 1391(f)(3), because those provisions apply solely to actions against aliens or foreign states.

#### **Parties — Plaintiffs**

14. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

15. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

16. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

17. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

18. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

19. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

20. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

21. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

### **Defendants**

22. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

23. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

24. AHIF-USA admits that it is a charity, but denies the allegations in this paragraph insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

25. AHIF-USA does not possess sufficient knowledge or information to admit or

deny the allegations contained in this paragraph.

26. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

27. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

**Factual Allegations Against Defendants**

28. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

29. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

30. AHIF-USA denies the allegations in this paragraph insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

31. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

32. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

33. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

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37. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

38. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

39. AHIF-USA denies the allegations in this paragraph insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

40. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

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66. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

67. AHIF-USA denies the allegations in this paragraph insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

68. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

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107. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

108. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

109. AHIF-USA denies the allegations in this paragraph insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

110. AHIF-USA denies the allegations in this paragraph insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

111. AHIF-USA denies the allegations in this paragraph insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

112. AHIF-USA denies the allegations in this paragraph insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

113. AHIF-USA admits that the United States government has designated two groups

in Bosnia and Somalia affiliated with al-Haramain (Saudi Arabia) as terrorist entities. AHIF-USA denies the allegations in this paragraph insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

114. AHIF-USA denies the allegations in this paragraph insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

115. AHIF-USA denies the allegations in this paragraph insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

116. AHIF-USA denies the allegations in this paragraph insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

117. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

118. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

119. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

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121. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

122. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

123. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

124. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

125. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

126. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

127. AHIF-USA admits that plaintiffs purport to attach RICO Statements, denominated as More Definite Statements/Additional Allegations, and that Exhibit I purports to be related to defendant AHIF-USA. AHIF-USA addresses these allegations below. AHIF-USA denies the allegations in Exhibit I insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this Exhibit I.

### **Class Action Allegations**

128. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

129. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

130. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

131. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

132. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

133. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

## **CLAIMS**

### **Count One – Torture Victim Protection Act**

134. AHIF-USA hereby incorporates its responses to the previous allegations as if fully set forth herein.

135. No response is required to the allegations in this paragraph because the Torture Victim Protection Act cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

136. No response is required to the allegations in this paragraph because the Torture Victim Protection Act cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

137. No response is required to the allegations in this paragraph because the Torture Victim Protection Act cause of action was dismissed by the Memorandum Decision and Order of

the Court dated September 13, 2010. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

REQUESTED RELIEF (Count One). No response is required to the allegations in this paragraph because the Torture Victim Protection Act cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. AHIF-USA denies that plaintiffs are entitled to any of the relief requested in their prayer for relief under Count One against AHIF-USA, or that they are entitled to any relief in this action against AHIF-USA.

#### **Count Two — Alien Tort Claims Act**

138. AHIF-USA hereby incorporates its responses to the previous allegations as if fully set forth herein.

139. No response is required to the allegations in this paragraph because the Alien Tort Claims Act cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. Moreover, the named plaintiffs are all United States citizens and thus ineligible to bring a claim under the Alien Tort Claims Act. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

140. No response is required to the allegations in this paragraph because the Alien Tort Claims Act cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. Moreover, the named plaintiffs are all United States citizens and thus ineligible to bring a claim under the Alien Tort Claims Act. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is

required, the allegations are denied.

141. No response is required to the allegations in this paragraph because the Alien Tort Claims Act cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. Moreover, the named plaintiffs are all United States citizens and thus ineligible to bring a claim under the Alien Tort Claims Act. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

REQUESTED RELIEF (Count Two). No response is required to the allegations in this paragraph because the Alien Tort Claims Act cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. Moreover, the named plaintiffs are all United States citizens and thus ineligible to bring a claim under the Alien Tort Claims Act. AHIF-USA denies that plaintiffs are entitled to any of the relief requested in their prayer for relief under Count Two against AHIF-USA, or that they are entitled to any relief in this action against AHIF-USA.

### **Count Three — Wrongful Death**

142. AHIF-USA hereby incorporates its responses to the previous allegations as if fully set forth herein.

143. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

144. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

145. The allegations of this paragraph constitute a conclusion of law to which no



response is required. To the extent a response is required, the allegations are denied.

146. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

147. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

REQUESTED RELIEF (Count Three). AHIF-USA denies that plaintiffs are entitled to any of the relief requested in their prayer for relief under Count Three against AHIF-USA, or that they are entitled to any relief in this action against AHIF-USA.

#### **Count Four — Survival**

148. AHIF-USA hereby incorporates its responses to the previous allegations as if fully set forth herein.

149. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

150. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

REQUESTED RELIEF (Count Four). AHIF-USA denies that plaintiffs are entitled to any of the relief requested in their prayer for relief under Count Four against AHIF-USA, or that they are entitled to any relief in this action against AHIF-USA.

#### **Count Five — Negligent and/or Intentional Infliction of Emotional Distress**

151. AHIF-USA hereby incorporates its responses to the previous allegations as if fully set forth herein.

152. No response is required to the allegations in this paragraph because the Negligent Infliction of Emotional Distress cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. As to the Intentional Infliction of Emotional Distress cause of action, the allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

153. No response is required to the allegations in this paragraph because the Negligent Infliction of Emotional Distress cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. As to the Intentional Infliction of Emotional Distress cause of action, the allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

154. No response is required to the allegations in this paragraph because the Negligent Infliction of Emotional Distress cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. As to the Intentional Infliction of Emotional Distress cause of action, the allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

155. No response is required to the allegations in this paragraph because the Negligent Infliction of Emotional Distress cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. As to the Intentional Infliction of Emotional Distress cause of action, the allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

REQUESTED RELIEF (Count Five). AHIF-USA denies that plaintiffs are entitled to any of the relief requested in their prayer for relief under Count Five against AHIF-USA, or that they are entitled to any relief in this action against AHIF-USA.

**Count Six — Conspiracy**

156. AHIF-USA hereby incorporates its responses to the previous allegations as if fully set forth herein.

157. No response is required to the allegations in this paragraph because the Conspiracy cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

158. No response is required to the allegations in this paragraph because the Conspiracy cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

159. No response is required to the allegations in this paragraph because the Conspiracy cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

160. No response is required to the allegations in this paragraph because the Conspiracy cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

161. No response is required to the allegations in this paragraph because the Conspiracy cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. The allegations of this paragraph constitute a conclusion of law to

which no response is required. To the extent a response is required, the allegations are denied.

REQUESTED RELIEF (Count Six). AHIF-USA denies that plaintiffs are entitled to any of the relief requested in their prayer for relief under Count Six against AHIF-USA, or that they are entitled to any relief in this action against AHIF-USA.

### **Count Seven — Aiding and Abetting**

162. AHIF-USA hereby incorporates its responses to the previous allegations as if fully set forth herein.

163. No response is required to the allegations in this paragraph because the Aiding and Abetting cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

164. No response is required to the allegations in this paragraph because the Aiding and Abetting cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

165. No response is required to the allegations in this paragraph because the Aiding and Abetting cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

REQUESTED RELIEF (Count Seven). AHIF-USA denies that plaintiffs are entitled to any of the relief requested in their prayer for relief under Count Seven against AHIF-USA, or that they are entitled to any relief in this action against AHIF-USA.

### **Count Eight – Negligence**

166. AHIF-USA hereby incorporates its responses to the previous allegations as if fully set forth herein.

167. No response is required to the allegations in this paragraph because the Negligence cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

168. No response is required to the allegations in this paragraph because the Negligence cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

169. No response is required to the allegations in this paragraph because the Negligence cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

170. No response is required to the allegations in this paragraph because the Negligence cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

REQUESTED RELIEF (Count Eight). No response is required to the allegations in this paragraph because the Negligence cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. AHIF-USA denies that plaintiffs are entitled to any of the relief requested in their prayer for relief under Count Eight against AHIF-USA, or that they are entitled to any relief in this action against AHIF-USA.

### **Count Nine — Anti-Terrorism Act**

171. AHIF-USA hereby incorporates its responses to the previous allegations as if fully set forth herein.

172. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

173. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

174. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

175. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

REQUESTED RELIEF (Count Nine). AHIF-USA denies that plaintiffs are entitled to any of the relief requested in their prayer for relief under Count Three against AHIF-USA, or that they are entitled to any relief in this action against AHIF-USA.

### **Count Ten – RICO**

176. AHIF-USA hereby incorporates its responses to the previous allegations as if

fully set forth herein.

177. No response is required to the allegations in this paragraph because the RICO cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

178. No response is required to the allegations in this paragraph because the RICO cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

179. No response is required to the allegations in this paragraph because the RICO cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

180. No response is required to the allegations in this paragraph because the RICO cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

REQUESTED RELIEF (Count Ten). AHIF-USA denies that plaintiffs are entitled to any of the relief requested in their prayer for relief under Count Ten against AHIF-USA, or that they are entitled to any relief in this action against AHIF-USA.

### **Count Eleven — Punitive Damages**

181. AHIF-USA hereby incorporates its responses to the previous allegations as if

fully set forth herein.

182. No response is required to the allegations in this paragraph because the Punitive Damages cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

183. No response is required to the allegations in this paragraph because the Punitive Damages cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

REQUESTED RELIEF (Count Eleven). AHIF-USA denies that plaintiffs are entitled to any of the relief requested in their prayer for relief under Count Eleven against AHIF-USA, or that they are entitled to any relief in this action against AHIF-USA.

**Count Twelve — Punitive Damages: Agencies and Instrumentalities  
of the Foreign State Defendant**

184. AHIF-USA hereby incorporates its responses to the previous allegations as if fully set forth herein.

185. Count Twelve only applies to plaintiffs' claims against foreign states; AHIF-USA is not a defendant under the Foreign Sovereign Immunities Act. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

186. Count Twelve only applies to plaintiffs' claims against foreign states; AHIF-USA is not a defendant under the Foreign Sovereign Immunities Act. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a



response is required, the allegations are denied.

187. Count Twelve only applies to plaintiffs' claims against foreign states; AHIF-USA is not a defendant under the Foreign Sovereign Immunities Act. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

Count Twelve only applies to plaintiffs' claims against foreign states; AHIF-USA is not a defendant under the Foreign Sovereign Immunities Act. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

### **Prayer for Relief**

188. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, the allegations are denied.

### **Jury Demand**

Plaintiffs' statement regarding a jury trial and jury demand contain no allegations to which a response is required.

Each and every allegation in plaintiffs' complaint that has not been specifically admitted is hereby denied.

### **Victims List**

1. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

2. AHIF-USA does not possess sufficient knowledge or information to admit or

deny the allegations contained in this paragraph.

3. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

**AHIF-USA's Answer to Plaintiffs' More Definite Statement (Exhibit I)**

1. AHIF-USA denies the allegations in this paragraph insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.
2. AHIF-USA denies the allegations in this paragraph insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.
3. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.
4. AHIF-USA does not possess sufficient knowledge or information to admit or deny the allegations contained in this paragraph.
5. No response is required to the allegations in this paragraph because the RICO cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, AHIF-USA denies the allegations in this paragraph insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.
6. No response is required to the allegations in this paragraph because the RICO

cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, AHIF-USA denies the allegations in this paragraph insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

7. No response is required to the allegations in this paragraph because the RICO cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, AHIF-USA denies the allegations in this paragraph insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.
8. No response is required to the allegations in this paragraph because the RICO cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, AHIF-USA denies the allegations in this paragraph insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.
9. No response is required to the allegations in this paragraph because the RICO cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. The allegations of this paragraph constitute a

conclusion of law to which no response is required. To the extent a response is required, AHIF-USA denies the allegations in this paragraph insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

10. No response is required to the allegations in this paragraph because the RICO cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, AHIF-USA denies the allegations in this paragraph insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.
11. No response is required to the allegations in this paragraph because the RICO cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, AHIF-USA denies the allegations in this paragraph insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.
12. No response is required to the allegations in this paragraph because the RICO cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, AHIF-USA denies the allegations in this paragraph insofar as they refer

to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

13. No response is required to the allegations in this paragraph because the RICO cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, AHIF-USA denies the allegations in this paragraph insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.
14. No response is required to the allegations in this paragraph because the RICO cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, AHIF-USA denies the allegations in this paragraph insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.
15. No response is required to the allegations in this paragraph because the RICO cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, AHIF-USA denies the allegations in this paragraph insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

16. No response is required to the allegations in this paragraph because the RICO cause of action was dismissed by the Memorandum Decision and Order of the Court dated September 13, 2010. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, AHIF-USA denies the allegations in this paragraph insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.
17. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, AHIF-USA denies the allegations in this paragraph insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.
18. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, AHIF-USA denies the allegations in this paragraph insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.
19. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, AHIF-USA denies the allegations in this paragraph insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.
20. The allegations of this paragraph constitute a conclusion of law to which no

response is required. To the extent a response is required, AHIF-USA denies the allegations in this paragraph insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

21. AHIF-USA denies the allegations in this paragraph insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.
22. AHIF-USA denies the allegations in this paragraph insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.
23. AHIF-USA denies the allegations in this paragraph insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.
24. AHIF-USA denies the allegations in this paragraph insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.
25. AHIF-USA admits that the U.S. government has designated branches of al-Haramain (Saudi Arabia). AHIF-USA denies the allegations in this paragraph insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.
26. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, AHIF-USA denies the

allegations in this paragraph insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

27. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, AHIF-USA denies the allegations in this paragraph insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.
28. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, AHIF-USA denies the allegations in this paragraph insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.
29. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, AHIF-USA denies the allegations in this paragraph insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.
30. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, AHIF-USA denies the allegations in this paragraph insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.



31. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, AHIF-USA denies the allegations in this paragraph insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.
32. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, AHIF-USA denies the allegations in this paragraph insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.
33. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, AHIF-USA denies the allegations in this paragraph insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.
34. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, AHIF-USA denies the allegations in this paragraph insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.
35. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, AHIF-USA denies the allegations in this paragraph insofar as they refer to AHIF-USA. AHIF-USA does

not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

36. The allegations of this paragraph constitute a conclusion of law to which no response is required. To the extent a response is required, AHIF-USA denies the allegations in this paragraph insofar as they refer to AHIF-USA. AHIF-USA does not possess sufficient knowledge or information to admit or deny all other allegations contained in this paragraph.

### **FIRST AFFIRMATIVE DEFENSE**

(Failure to State a Claim)

Plaintiffs' claims fail to state a claim against AHIF-USA for which relief may be granted.

### **SECOND AFFIRMATIVE DEFENSE**

(Causation)

There is no causal connection between any of AHIF-USA's activities and plaintiffs' injuries.

### **THIRD AFFIRMATIVE DEFENSE**

(Causation)

No act or omission of any agent, servant, or employee of AHIF-USA proximately caused any harm or damage to plaintiffs.

### **FOURTH AFFIRMATIVE DEFENSE**

(Causation)

AHIF-USA's activities were not the proximate cause of any harm or damage to plaintiffs.

**FIFTH AFFIRMATIVE DEFENSE**

(Scienter)

Plaintiffs fail to adequately allege scienter on AHIF-USA's part.

**SIXTH AFFIRMATIVE DEFENSE**

(Other Tortfeasors)

Plaintiffs' damages and injuries were caused by other individuals or entities who are, or are not, named as parties to this action.

**SEVENTH AFFIRMATIVE DEFENSE**

(Improper Venue)

This Court is not the proper venue for plaintiffs' claims against AHIF-USA.

**EIGHTH AFFIRMATIVE DEFENSE**

(Subject Matter Jurisdiction)

This Court does not have subject matter jurisdiction over plaintiffs' claims against AHIF-USA.

**NINTH AFFIRMATIVE DEFENSE**

(Personal Jurisdiction)

This Court does not have personal jurisdiction over plaintiffs' claims against AHIF-USA.

**TENTH AFFIRMATIVE DEFENSE**

(Estoppel)

Plaintiffs are estopped from receiving the relief requested against AHIF-USA.

**ELEVENTH AFFIRMATIVE DEFENSE**

(Statute of Limitations)

Plaintiffs' claims against AHIF-USA are barred, in whole or in part, by the applicable statute of limitation(s).

**TWELFTH AFFIRMATIVE DEFENSE**

(Punitive Damages)

Plaintiffs' claims for punitive damages against AHIF-USA are barred because AHIF-USA's activities, as alleged by plaintiffs, were not committed with intent, malice, willful and outrageous conduct aggravated by evil motive, or reckless indifference, and none of AHIF-USA's activities in any way were intended to, or did harm, the plaintiffs in this action.

**THIRTEENTH AFFIRMATIVE DEFENSE**

(Joint or Several Liability)

Defendant is not liable for plaintiffs' damages based on the doctrines of several liability and/or combined or comparative fault, under N.Y. C.P.L.R. § 1601 *et seq.*

**FOURTEENTH AFFIRMATIVE DEFENSE**

(No Double Recovery)

Plaintiffs have waived their claims based on the doctrine disallowing double recovery and/or the doctrine of election of remedies.

**FIFTEENTH AFFIRMATIVE DEFENSE**

(Collateral Source)

Plaintiffs have waived their claims based on the collateral source doctrine.

**SIXTEENTH AFFIRMATIVE DEFENSE**

(Subrogation)

Plaintiffs have waived their claims based on the doctrine of subrogation and/or the doctrine of equitable subrogation.

**SEVENTEENTH AFFIRMATIVE DEFENSE**

(No Double Recovery)

Plaintiffs' claims for compensatory and punitive damages are barred to the extent that some plaintiffs or class members are also seeking recovery against AHIF-USA, for the same or similar claims, in the civil actions styled Ashton, et al. v. Al-Qaeda Islamic Army, et al., No. 02-CV-6977 (GBD/FM), and Burnett, et al. v. Al Baraka Inv. & Devel. Corp., et al., No. 03-CV-5738 (GBD/FM), pending in the United States District Court for the Southern District of New York.

**EIGHTEENTH AFFIRMATIVE DEFENSE**

In response to plaintiffs' claims, AHIF-USA intends to invoke any other defenses, including affirmative defenses, as they may become apparent through discovery, and reserve the right, in accordance with the Federal Rules of Civil Procedure and the Local Civil Rules of the United States District Court for the Southern District of New York, to assert such defenses.

AHIF-USA requests that the Plaintiffs' First Consolidated Complaint be dismissed with prejudice as to AHIF-USA, and that the Court award attorney's fees and costs to AHIF-USA in defending against a case with no factual or legal basis against AHIF-USA, and award any other relief that the Court deems just under the circumstances.

Respectfully submitted,

/S/ Lynne Bernabei

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Attorneys for Defendant  
Al Haramain Islamic Foundation, Inc.

Dated: October 15, 2010

**CERTIFICATE OF SERVICE**

I hereby certify that on October 15, 2010, I caused the foregoing to be served electronically on counsel of record by the Court's Electronic Case Filing (ECF) System, pursuant to ¶ 9(a) of Case Management Order No. 2 (June 16, 2004).

/s/ Alan R. Kabat

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Alan R. Kabat